

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT TACOMA

JAMES M. HINKLEY,

Plaintiff,

v.

ELDON VAIL, SCOTT RUSSELL,  
KERRY ARLOW, JEFFREY L.  
CARLSEN, STEVE DEMARS, JOHN  
AND JANE DOES 1-32,

Defendants.

No. C12-5969 RBL/KLS

ORDER DENYING PLAINTIFF'S  
MOTION TO COMPEL

Before the Court is Plaintiff's Motion to Compel. ECF No. 33. Having reviewed the motion, Defendants' response (ECF No. 35), the Court finds that the motion should be denied.

**DISCUSSION**

The Court finds that Plaintiff's motion to compel discovery should be denied because Plaintiff did not include a certification in his motion that he conferred with counsel for Defendants before he filed his motion.

While a party may apply to the court for an order compelling discovery "upon reasonable notice to other parties and all persons affected thereby," the motion must also include a certification that the movant has in good faith conferred or attempted to confer with the person or party failing to make the discovery in an effort to secure the information or material without court intervention." Fed. R. Civ. P. 37(a)(2)(B). In addition, "[a] good faith effort to confer with a party or person not making a disclosure or discovery requires a face-to-face meeting or a telephonic conference." Local Rule CR 37(a)(2)(A).

1 The Court anticipates that Plaintiff will make a good faith effort to confer with counsel  
2 for Defendants in an effort to resolve any discovery disputes without the need for Court  
3 interference. If the parties cannot amicably resolve this issue, Plaintiff may file a motion to  
4 compel, and shall include a certification stating that their efforts were unsuccessful, and shall  
5 identify those areas of disagreement that remain unresolved. The Court will not address any  
6 motion which lacks such a certification.  
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8 Accordingly, it is **ORDERED**:

9 (1) Plaintiff's motion to compel (ECF No. 33) is **DENIED**.

10 (2) The Clerk shall send a copy of this Order to Plaintiff.  
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12 **DATED** this 28th day of March, 2103.  
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15 Karen L. Strombom  
16 United States Magistrate Judge  
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